

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION
ORIGINAL

02 AUG 25 A.M. 8:34
SUSAN S. VIGEN,)
v.)
AFLAC INCORPORATED,)
Defendant.)
Plaintiff,)
)

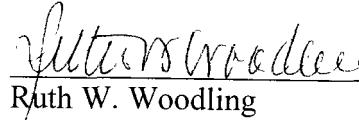
Civil Action File No.
4:02-CV-118-1

MOTION TO DISMISS COUNT II OF THE COMPLAINT

Defendant AFLAC, Inc. (hereinafter "AFLAC"), through undersigned counsel and pursuant to Federal Rule of Civil Procedure 12(b), respectfully moves the Court to dismiss certain claims asserted in Plaintiff's Complaint. Specifically, AFLAC moves to dismiss Count II of the Complaint in its entirety. As explained in more detail in the accompanying memorandum of law, Plaintiff fails to state a claim for retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, because Plaintiff alleges only age and disability discrimination and Title VII does not cover such discrimination.

WHEREFORE, Defendant AFLAC respectfully moves the Court to dismiss with prejudice Count II of the Complaint in its entirety and enter judgment on those claims in favor of Defendant.

Respectfully submitted this 25 day of August, 2002.


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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have this 21st day of August, 2002, served a true and correct copy of the **MOTION TO DISMISS COUNT II OF THE COMPLAINT** on the following individuals by causing a copy to be deposited in the United States mail, first class postage prepaid to:

Gwyn Newsom-Bunn, Esq.
Bunn, Byrd, Newsom & Hix
215 9th Street
P.O. Box 629
Columbus, GA 31902-0629


Ruth W. Woodling